1) S.B. CR.MISC.BAIL APPL.NO.7272/2007.
Mor Singh & Anr. Vs. State

2) S.B. CR.MISC.BAIL APPL.NO.6288/2007.
Dhapu Bai Vs. State

3) S.B. CR.MISC.BAIL APPL.NO.6175/2007.
Dudhiya & Anr. Vs. State

Date of order : 1/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Neeraj Tiwari for the petitioners.
Smt. Nirmala Sharma PP for the State.

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Since all these three bail applications arise out of the common first information report being FIR No.52/2007 PS Dangipura, District Jhalawar, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that the incident had taken place over the dispute whether Mst.Mangi Bai, who is daughter of the complainant-party, should be allowed to stay with her husband Ramprasad. There are in all two injured apart from deceased Kanwarlal whereas as many as eight accused have been falsely enroped.

It was argued that Ramprasad has been assigned the major role of causing injry on the head of complainant Jagannath by gandasi as also on the person of Kanwarlal. Grievous injury has also been suffered by accused Dudhia @ Dhulilal on his left hand resulting into imputation thereof, for which cross-case has also been registered against the petitioner. Challan has been filed and detention of the petitioner is not required for any purpose.

Learned Public Prosecutor has opposed the bail application and argued that accused persons had mercilessly beaten the complainant-party which resulted into the death of Kanwarlal whereas, complainant-Jagannath suffered fracture of the skull.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner No.2 Smt.Daryav Bai in SB Cr.Misc.Bail Appl.No.7272/07 and petitioner Smt.Dhapu Bai in Sb.Cr.Misc.Bail Appl.No.6288/07 giving them benefit of first proviso to sub-Section (1) of Section 437 Cr.P.C. being women, on bail during trial. However, I am not inclined to

release rest of the petitioners namely, Mor Singh, Dudhia @ Dhulilal and Bankat at this stage.

In the result, SB Cr.Misc.Bail Appl.Nos.7272/07 & 6288/07 are allowed in so are petitioners Smt.Darya Bai and Smt.Dhapu Bai are concerned but SB Cr.Misc.Bail Appl.Nos.7272/07 & 6175/07 are rejected so far as other petitioners Mor Singh, Dudhiya @ Dhulilal and Bankat are concerned.

It is, therefore, directed that petitioners Smt.Daryav Bai W/o Gori Shankar and Smt.Dhapu Bai W/o Karan Singh shall be released on bail in FIR No.52/2007 PS Dangipura, District Jhalawar for offences under Sections 302, 307, 323, 147, 148 and 149 IPC subject to each of them furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

anil/-